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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

In re: :

BERNARD L. MADOFF INVESTMENT : SIPA LIQUIDATION  
SECURITIES LLC,

: No. 08-01789 (SMB)

Debtor.

- - - - -x (Substantively  
Consolidated)

In re : :

BERNARD L. MADOFF, :

Debtor. :

- - - - -x

IRVING H. PICARD, Trustee :  
for the Liquidation of Adv. Pro. No.  
Bernard L. Madoff Investment : 10-04995 (SMB)  
Securities LLC,

:

Plaintiff, :

v. :

TRUST U/ART FOURTH O/W/O :  
ISRAEL WILENITZ, :

EVELYN BEREZIN WILENITZ, :  
individually, and as Trustee :  
and Beneficiary of the Trust :  
U/ART Fourth O/W/O Israel :  
Wilenitz, and :

SARA SEIMS, as Trustee of :  
the Trust U/ART Fourth O/W/O :  
Israel Wilenitz, :

Defendants. :

- - - - -x

TELEPHONE CONFERENCE

May 10, 2017

1 IRVING H. PICARD, Trustee :  
 for the Liquidation of  
 2 Bernard L. Madoff Investment: Adv. Pro. No.  
 Securities LLC, 10-04818 (SMB)  
 3 :  
 Plaintiff,  
 4 :  
 v.  
 5 :  
 TOBY HARWOOD,  
 6 :  
 Defendant.  
 7 - - - - - x  
 IRVING H. PICARD, Trustee :  
 8 for the Liquidation of Adv. Pro. No.  
 Bernard L. Madoff Investment: 10-04914 (SMB)  
 9 Securities LLC, :  
 10 Plaintiff, :  
 11 v. :  
 12 EDYNE GORDON, in her :  
 capacity as the executrix :  
 13 and primary beneficiary of :  
 the estate of Allen Gordon, :  
 14 :  
 Defendant. :  
 15 - - - - - x  
 IRVING H. PICARD, Trustee :  
 16 for the Liquidation of Adv. Pro. No.  
 Bernard L. Madoff Investment: 10-04826 (SMB)  
 17 Securities LLC, :  
 18 Plaintiff, :  
 19 v. :  
 20 ESTATE OF BOYER PALMER, :  
 DIANE HOLMERS, in her :  
 21 capacity as Personal :  
 Representative of the :  
 22 Estate of Boyer Palmer, and :  
 BRUCE PALMER, in his :  
 23 capacity as Personal :  
 Representative of the :  
 24 Estate of Boyer Palmer, :  
 25 Defendants.

1	IRVING H. PICARD, Trustee	:	
	for the Liquidation of	:	Adv. Pro. No.
2	Bernard L. Madoff Investment:	:	10-04644 (SMB)
	Securities LLC,	:	
3		:	
	Plaintiff ,	:	
4		:	
	v.	:	
5		:	
	RUSSELL L. DUSEK,	:	
6		:	
	Defendant.	:	
7	- - - - -	x	
	IRVING H. PICARD, Trustee	:	
8	for the Liquidation of	:	Adv. Pro. No.
	Bernard L. Madoff Investment:	:	10-04541 (SMB)
9	Securities LLC,	:	
		:	
10	Plaintiff,	:	
		:	
11	v.	:	
		:	
12	KENNETH W. PERLMAN; FELICE	:	
	J. PERLMAN; and SANFORD S.	:	
13	PERLMAN,	:	
		:	
14	Defendants.	:	
	- - - - -	x	
15	IRVING H. PICARD, Trustee	:	
	for the Liquidation of	:	Adv. Pro. No.
16	Bernard L. Madoff Investment:	:	10-04728 (SMB)
	Securities LLC,	:	
17		:	
	Plaintiff,	:	
18		:	
	v.	:	
19		:	
	BRUNO DIGIULIAN,	:	
20		:	
	Defendant.	:	
21	- - - - -	x	
	IRVING H. PICARD, Trustee	:	
22	for the Substantively	:	Adv. Pro. No.
	Consolidated SIPA	:	10-04905 (SMB)
23	Liquidation of Bernard L.	:	
	Madoff Investment Securities:	:	
24	LLC and Bernard L. Madoff,	:	
		:	
25	Plaintiff,	:	

1 v. :  
2 TRAIN KLAN, a Partnership; :  
3 FELICE T. LONDA, in her :  
4 capacity as a Partner in :  
5 Train Klan; CLAUDIA HELMIG, :  
6 in her capacity as a :  
7 Partner in Train Klan; :  
8 TIMOTHY LANDRES, in his :  
9 capacity as a Partner in :  
10 Train Klan; JESSICA LONDA, :  
11 in her capacity as a :  
12 Partner in Train Klan; :  
13 PETER LONDA, in his :  
14 capacity as a Partner in :  
15 Train Klan; TIMOTHY HELMIG, :  
16 in his capacity as a :  
17 Partner in Train Klan; and :  
18 WENDY LANDRES, in her :  
19 capacity as a Partner in :  
20 Train Klan, :  
21 Defendants. :  
22 - - - - - x  
23 IRVING H. PICARD, Trustee :  
24 for the Substantively Adv. Pro. No.  
25 Consolidated SIPA : 10-04621 (SMB)  
Liquidation of Bernard L.  
Madoff Investment :  
Securities LLC and Bernard  
L. Madoff, :  
Plaintiff, :  
v. :  
DONALD A. BENJAMIN, :  
Defendant. :  
- - - - - x

21  
22 TRANSCRIPT of telephone conference  
23 as reported by SUSAN R. CHASTEK, a Certified Court  
24 Reporter, Registered Merit Reporter, and Notary  
25 Public of the State of New Jersey, on  
Wednesday, May 10, 2017, commencing at 8:30 a.m.

1 B E F O R E:

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5

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13 For Irving Picard, Trustee  
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(212) 698-3500  
16 (212) 698-3599  
hchaitman@chaitmanllp.com  
17 BY: HELEN CHAITMAN, ESQ.  
For the Defendants  
18  
19  
20  
21  
22  
23  
24  
25

1 JUDGE MAAS: Anybody else on the  
2 line?

3 MR. HUNT: Your Honor, it's Dean  
4 Hunt, Marie Carlisle and Ted Jacobs for the  
5 Trustee. And we also have our court reporter on  
6 as well.

7 JUDGE MAAS: Okay. So I guess  
8 we're waiting for Ms. Chaitman?

9 MR. HUNT: That is correct, your  
10 Honor.

11 MS. CHAITMAN: Helen Chaitman.

12 JUDGE MAAS: Good morning,  
13 Ms. Chaitman. This is Judge Mass.

14 MS. CHAITMAN: Good morning. How  
15 are you?

16 JUDGE MAAS: I'm well, thank you.  
17 Why don't counsel for the Trustee identify  
18 themselves as well.

19 MR. HUNT: Your Honor, this is Dean  
20 Hunt with Baker Hostetler for the Trustee. I have  
21 my colleagues Ted Jacobs and Marie Carlisle on the  
22 line.

23 JUDGE MAAS: And just so you're  
24 aware, Ms. Chaitman, there's also a court  
25 reporter.

1 I have read the letters submitted  
2 by both sides. I know that Mr. Digiulian, if I'm  
3 pronouncing it correctly, had the 16th affirmative  
4 defense and also the 37th affirmative defense in  
5 his answer. The 37th deals with mandatory  
6 withdrawals beyond the age of seventy and a half.  
7 The 16th relates to taxes that he paid on his  
8 fictitious return. I guess one question I have  
9 is, and I didn't have an opportunity to go look at  
10 the docket sheet yesterday, what other affirmative  
11 defenses, if any, is he asserting?

12 MS. CHAITMAN: Well, it's Bruno  
13 Digiulian that is -- the widow is the defendant  
14 now. There are a number of -- as you can see, I  
15 mean, it goes way beyond 37. There are a lot of  
16 different affirmative defenses, and as we've  
17 indicated in other cases, virtually all of them  
18 are based on legal argument. The one that's  
19 related to the taxes in each case, Your Honor,  
20 we're following your procedure and we're getting a  
21 declaration from an accountant and producing the  
22 tax returns in the form that you ordered, so  
23 that's how we're dealing with that affirmative  
24 defense.

25 The others are most largely based

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1 either upon the Trustee's documents which we're  
2 still awaiting production on and on legal  
3 argument.

4 JUDGE MAAS: Well, you say based  
5 largely on either the Trustee's documents or legal  
6 arguments. That suggests that they're not based  
7 entirely on either the Trustee's documents or  
8 legal argument, but you also said that you're  
9 awaiting documents from the Trustee. I'm not sure  
10 what that refers to.

11 MS. CHAITMAN: Well, as you may  
12 recall, Judge, we have -- we claim that in fact  
13 securities were purchased with the investment of  
14 out-of-state customers' money and you've ordered  
15 the Trustee to produce all of these microfiche  
16 records and we're in the process of getting those  
17 records and trying to put them in a readable  
18 format which is a herculean task but we're working  
19 through that right now. So we -- obviously, we're  
20 going to be depending upon the Trustee's documents  
21 for some of the affirmative defenses, but these  
22 are all documents that have been in the Trustee's  
23 possession since 2008.

24 MR. JACOBS: Well, Your Honor, if I  
25 may, this is Ted Jacobs. All of those records



1 from the microfiche film that Ms. Chaitman is  
2 referring to have been produced in readable and  
3 searchable format and they absolutely have nothing  
4 to do with any of the affirmative defenses that  
5 are at issue today or for which we would expect  
6 documents and factual bases from the defendants,  
7 so I'm not sure why she's raising that at this  
8 juncture.

9 JUDGE MAAS: Well, because she's  
10 saying it's the pot calling the kettle black. But  
11 a couple of things strike me.

12 First of all, to the extent  
13 additional documents were produced and your letter  
14 says they were produced within the -- back at the  
15 discovery deadline, but I gather they were  
16 produced far longer than 30 days after the  
17 document request was served and, in fact, if I'm  
18 reading the email correctly, they were produced  
19 after the Trustee took the deposition; is that  
20 correct?

21 MS. CHAITMAN: Yes. And I can  
22 explain why, Your Honor. We had taken the  
23 position, which I thought was accepted, that in  
24 the event that a defendant conceded the accuracy  
25 of Exhibit B as to the deposits and withdrawals

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1 except for the Inter Account Transfer issue, that  
2 there was no reason for the defendant to have to  
3 produce the account statements which would  
4 evidence the deposits and withdrawals, so we had  
5 not produced them. Mrs. Digiulian was deposed for  
6 about four hours, and at the deposition, she  
7 explained that she had in fact sent the documents,  
8 but having reviewed the documents, I felt we could  
9 concede the accuracy of Exhibit B and I hadn't  
10 produced them. And then when Ms. Carlisle asked  
11 that they be produced, we did produce them. But  
12 we had followed the --

13 MR. HUNT: Your Honor, can I --

14 JUDGE MAAS: Wait a minute. Let  
15 Ms. Chaitman finish, then I'll give you an  
16 opportunity to speak. Go on.

17 MS. CHAITMAN: You know, the issue,  
18 Judge, is I had thought that so long as we  
19 conceded the accuracy of Exhibit B, there was no  
20 reason to produce these documents, but if the  
21 Trustee wants them in every case, we can produce  
22 them. It's not a problem.

23 JUDGE MAAS: Okay. Now, was it  
24 Mr. Hunt who was speaking?

25 MR. HUNT: Yes, sir.

1 JUDGE MAAS: Okay. Go ahead.

2 MR. HUNT: Sure. This is Dean Hunt  
3 on behalf of the Trustee. What you're hearing  
4 there is a bit of revisionist history, I believe.  
5 The document requests were served April 1st of  
6 last year, 13 months ago. Ms. Digiulian testified  
7 in her deposition that she gave them to  
8 Ms. Chaitman last year sometime. Ms. Chaitman  
9 certainly had the documents in her possession in  
10 December when we had our hearing and certainly  
11 when you issued your orders in January. She could  
12 have produced the documents ten days after the  
13 order but she didn't. There was no agreement,  
14 implied or otherwise, that she was not required to  
15 produce documents. Instead, she let us go to  
16 Florida, take the deposition, where we learned  
17 that there were substantial quantities of  
18 documents directly relevant to this case. She's  
19 not withdrawn, as far as I know, any affirmative  
20 defenses in this case and she challenges, directly  
21 challenges the inter account transfers. There is  
22 no way that we can fully present our case without  
23 a subsequent deposition of Ms. Digiulian based on  
24 the documents that we received 13 months late in  
25 my office on Monday. So what she's telling you is

1 just not accurate.

2 JUDGE MAAS: Well, but you see  
3 there's something of a tension between some of the  
4 relief you seek and other relief you seek. Let me  
5 be more specific.

6 In part, you're seeking that  
7 Ms. Chaitman and her client not be allowed to rely  
8 on any other documents that may have been produced  
9 in support of affirmative defenses, but yet at the  
10 same time that you're seeking that preclusion  
11 order, you're also seeking the production of those  
12 documents and a further deposition.

13 If she's precluded from using  
14 additional documents, then it would seem to me  
15 there's no purpose to be served by -- excuse me --  
16 entering an order requiring a further production  
17 and potentially a further deposition. Am I  
18 missing something?

19 MR. HUNT: Yes, Your Honor. Again,  
20 Dean Hunt. I believe you are.

21 JUDGE MAAS: Okay.

22 MR. HUNT: The -- the issue is  
23 regardless of whether she can use those documents  
24 for her affirmative defenses, whatever they're  
25 going to be, as she mentioned, there are a whole

1 bunch of them, we still have the burden of proof  
2 on our case in chief and the documents that we  
3 received in my office on Monday directly relate to  
4 those -- to our affirmative burden of proof.

5 JUDGE MAAS: Are there documents  
6 that you received that go beyond the account  
7 records that the Trustee himself had?

8 MR. HUNT: Yes, sir. Absolutely.

9 JUDGE MAAS: Well, anything you  
10 wish to add, Ms. Chaitman?

11 MS. CHAITMAN: Yeah. You know,  
12 I -- I've been through those documents and I don't  
13 believe that they do anything further than confirm  
14 the testimony of Mrs. Digiulian. She was  
15 painstakingly taken through every deposit and  
16 withdrawal and she conceded the accuracy of  
17 Exhibit B except for the Inter Account Transfer,  
18 so I'm not -- I'm not really sure what Mr. Hunt is  
19 referring to but, you know, these are not  
20 documents that we intended to use anyway because  
21 we had conceded the accuracy of Exhibit B. So,  
22 you know, from now on, if the Trustee wants all  
23 the documents, that's fine, but there's no  
24 incentive for us to concede anything. Why should  
25 we relieve the Trustee of his burden of proof if

1 there's no benefit to us in doing it?

2 JUDGE MAAS: Well, how did the  
3 additional documents add to the picture, Mr. Hunt?

4 MR. HUNT: Additional documents  
5 being correspondence back and forth with BLMIS  
6 directly related to deposits and withdrawals,  
7 including the green cards confirming receipts of  
8 the documents -- of the letters. They have  
9 substantial number of analyses of the accounts  
10 that were apparently done by Mr. Digiulian, we're  
11 not sure who, but it shows, you know, how much he  
12 thinks he had, where it came from and so forth. I  
13 mean, it's a completely new set of documents that  
14 are not in our files all directly related to these  
15 accounts.

16 JUDGE MAAS: Well --

17 MS. CHAITMAN: Well, what Mr. Hunt  
18 isn't saying is that they simply prove why we  
19 conceded the accuracy of Exhibit B. You know, the  
20 only factual issue is was each deposit and  
21 withdrawal made, and the documents that we've now  
22 produced support the concession that we made.  
23 That's why we made the concession, because our own  
24 documents proved that Exhibit B was accurate  
25 except for the Inter Account Transfer.

1 MR. HUNT: Whenever there's the  
2 word "except" involved in a concession, excuse me,  
3 it's not a concession.

4 JUDGE MAAS: Well, I've heard  
5 enough in order to rule.

6 Referring to my January Court Order  
7 which was entered January 9th, in my general  
8 ruling, paragraphs A (2) and A (3) dealt solely  
9 with a stipulation that would avert a particular  
10 defendant need -- excuse me. I'm not sick. I  
11 just seem to have something caught in my throat.  
12 Relate solely to a stipulation which had a number  
13 of parts and which would then avert the need to  
14 answer further interrogatories or amend the  
15 interrogatory answers, and as Mr. Hunt knows, it  
16 was an all or nothing proposition. In any event,  
17 those two paragraphs did not relate at all to the  
18 document request. In part, I think we didn't get  
19 to that because I mistakenly made the assumption  
20 that there would be a full stipulation in numerous  
21 cases, which as this case demonstrates did not  
22 occur.

23 Paragraph C (1), which Ms. Chaitman  
24 refers to in her letter, related only to the  
25 particular defense concerning payment of taxes on

1 fictitious profits, the 16th affirmative defense.  
2 So, and I also said that if there was a less than  
3 complete stipulation and the dispute which seems  
4 to be the circumstance here under paragraph A (4),  
5 I said I would rule, it's quite clear, and I don't  
6 see any ambiguity in my order, that other  
7 affirmative defenses were not covered by the  
8 order. It's also clear that the documents weren't  
9 finally produced because notwithstanding what I  
10 may have said or not said in January, the document  
11 requests were served on April 1 of 2016, so the  
12 responses were due and the documents were due long  
13 before I got involved in the case.

14               So my ruling is going to be that  
15 the subsequently produced or recently produced  
16 documents not be used to support their affirmative  
17 defenses in the case, but that obviously does not  
18 preclude Ms. Chaitman from using the Trustee's own  
19 documents for whatever purpose she sees fit during  
20 the trial of this case or in connection with  
21 motion practice.

22               And in terms of the other relief  
23 sought, the request for production of documents is  
24 mooted because the documents have been produced.

25               As to the request for a further



1 deposition, I question whether there's really a  
2 need for one, but should there be a need for one,  
3 I will permit such a further deposition to be  
4 taken. So those are my rulings.

5 Is there anything else I haven't  
6 addressed today, Ms. Chaitman?

7 MS. CHAITMAN: Just in terms of --

8 JUDGE MAAS: Ms. Chaitman?

9 MS. CHAITMAN: Just in terms of  
10 whether there's a need for a ruling, can we -- can  
11 you require the Trustee to put in writing what the  
12 need is? Because if it's that we have to admit  
13 that the letters were sent, we will admit that.  
14 It doesn't have to be another deposition. This is  
15 a woman who's in her eighties. She's a stroke  
16 victim and I hate to put her through that again.

17 JUDGE MAAS: Well, I'm not going to  
18 make that ruling, but as I said, I question  
19 whether there's a need for a further deposition.  
20 If there is a need, perhaps it can be obviated  
21 through stipulations. If the parties can't agree  
22 on whether or not a further deposition is  
23 warranted, I certainly am willing to rule on that  
24 issue, but I don't think I should impose a  
25 requirement now. It seems to me that the parties

1 should confer about that, and if there's an issue,  
2 you can bring it before me.

3 MR. HUNT: So, Your Honor, this is  
4 Dean Hunt again. With respect to the deposition,  
5 we have had, as Your Honor is aware, difficulty  
6 getting deposition dates from Ms. Chaitman and her  
7 firm. We're currently scheduled to be in Florida  
8 for a deposition related to one of her cases on  
9 May 23rd, I think. We believe that we can handle  
10 Ms. Digiulian's deposition relatively quickly  
11 during that same trip and would ask that you order  
12 her to appear again in the location where we took  
13 her deposition before, which were the  
14 accommodations that we made at -- you know, in her  
15 hometown on the 24th or 25th of May.

16 JUDGE MAAS: Ms. Chaitman?

17 MS. CHAITMAN: I would ask that the  
18 Trustee do what you just suggested, which is  
19 submit in writing --

20 MR. HUNT: No.

21 MS. CHAITMAN: -- the issues that  
22 they need to address because I believe we can  
23 stipulate to them.

24 MR. HUNT: No. I've been -- Your  
25 Honor, I've been trying to stipulate with

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1 Ms. Chaitman for five years on things and I'm not  
2 willing to do it anymore. If we need to take this  
3 deposition, that's -- you know, we have to decide  
4 what we need to do to present our case at trial.  
5 We've looked at the documents. We believe that a  
6 further deposition is needed on all of this new  
7 stuff that we've got and we're going to be in her  
8 hometown or within an hour of her hometown at the  
9 end of May, and we could do this deposition  
10 certainly within the four-hour window that, you  
11 know, we talked about before. We've been  
12 prejudiced. She allowed us to fly all the way to  
13 Florida, take this deposition knowing she had the  
14 documents in her office while she was sitting in  
15 the office, in her office back in New York, and so  
16 now we're going to have to fly to Florida again,  
17 so --

18 JUDGE MAAS: Well, whether  
19 Ms. Chaitman knew or not, the salient fact is that  
20 the documents were only produced after the  
21 deposition, which is a rather unconventional  
22 timing schedule for discovery.

23 MR. HUNT: I agree.

24 JUDGE MAAS: I am not going to  
25 require that the Trustee provide you in advance in

1 effect with an outline of what it is he wishes to  
2 pursue so that there can be a discussion about  
3 whether those issues can be stipulated away. I  
4 would encourage the two sides to talk about that.

5 As to the deposition, I would  
6 imagine that there has to be considerable overlap  
7 between what Ms. Chaitman produced to you and what  
8 the Trustee already had and produced to  
9 Ms. Chaitman, so what I'm tempted to do is -- how  
10 long was the actual deposition of Ms. Digiulian?

11 MS. CHAITMAN: Approximately four  
12 hours.

13 MR. HUNT: It wasn't four hours.

14 MS. CARLISLE: I was going to --  
15 I'm sorry.

16 JUDGE MAAS: Yes, Ms. Carlisle.  
17 Were you starting to say something?

18 MS. CARLISLE: Your Honor, this is  
19 Ms. Carlisle. I can guarantee it was less than  
20 four hours because I was there, but I'm currently  
21 pulling up the deposition transcript to see if I  
22 have the times. If not, I can certainly get with  
23 the court reporting service.

24 JUDGE MAAS: Well, that's not  
25 critical. I take it from what you're saying in

1 your uncertainty is that it was someplace between  
2 three and four hours. Is that your statement?

3 MS. CARLISLE: Yes. Your Honor, it  
4 actually concluded at 12:24 p.m. and let me see if  
5 I can find the time that it started. My  
6 apologies. It's taking my computer a moment. We  
7 went on the record at 10 a.m. so, Your Honor, it  
8 was two hours -- two hours and 24 minutes not just  
9 deposition because we had a couple of breaks, but  
10 I would be willing to say it was about two hours  
11 and 24 minutes according to the transcript.

12 JUDGE MAAS: Any objection to my  
13 saying that the continued deposition should be  
14 limited to two hours?

15 MR. HUNT: No, Your Honor. I think  
16 that, you know, that on-the-record time of two  
17 hours would be sufficient based upon our  
18 preliminary review of the documents. I guess if  
19 there was some reason that it took longer, we  
20 could call you as you indicated in the past.

21 JUDGE MAAS: Okay. And I'm going  
22 to direct, Ms. Chaitman, that it occur on May 24th  
23 unless I otherwise direct. So if there's some  
24 extraordinary problem and you can't work it out  
25 with the Trustee, you can bring it to my

1 attention. But it seems to me in particular in  
2 this situation, they should be back-to-back  
3 depositions which also presumably serves your  
4 interest in not having a second trip to Florida or  
5 third I guess it would be.

6 MS. CHAITMAN: The only issue is I  
7 just have to confirm it with the client, Your  
8 Honor. I don't know if --

9 JUDGE MAAS: That's why I said if  
10 you can't -- if for some reason that date doesn't  
11 work and you can't work it out with the Trustee,  
12 you can let me know that.

13 Anything else from either side?

14 MR. HUNT: Your Honor, we also  
15 have -- this is Dean Hunt again for the court  
16 reporter.

17 JUDGE MAAS: Yes.

18 MR. HUNT: We also have -- in your  
19 file are letters related to Edyne Gordon.  
20 Ms. Chaitman's firm, they had indicated that they  
21 were going to respond to our letters on a couple  
22 of different occasions, the most recently being by  
23 May 1st, but no response has been received.  
24 Again, this is one that we noticed a deposition  
25 back in August of 2016, and your order indicated

1 that Ms. Gordon could be deposed. We're now again  
2 faced with this stipulation with additional  
3 requirements specifically saying that if they  
4 stipulate to certain things, we're not allowed to  
5 take any discovery on any other things. That  
6 seemed inconsistent with your ruling and we would  
7 just like you to reaffirm that Ms. Gordon's  
8 deposition can go forward.

9 MS. CHAITMAN: Your Honor, this is  
10 a similar situation. It's a woman in her eighties  
11 who had nothing to do with her deceased husband's  
12 account. We have conceded the accuracy of  
13 Exhibit B. It was my understanding that if we did  
14 that, there was no need for the deposition. But  
15 if I misunderstood Your Honor, then I will  
16 obviously take that into consideration as we go  
17 forward in terms of what I stipulate to, because  
18 if there's no benefit to the client in making that  
19 stipulation, there's no reason to relieve the  
20 Trustee of his burden of proof.

21 JUDGE MAAS: Well, that's your  
22 decision to make. But, clearly, as I said  
23 earlier, my ruling in paragraphs A (2) and (3) had  
24 nothing to do with depositions or document  
25 requests. It related only to interrogatories and,

1 therefore, first of all, if the Trustee wishes to  
2 depose Mr. Gordon's widow, he's entitled to do  
3 that and, obviously, from the discussion today, if  
4 there are documents that have not been produced,  
5 they need to be produced forthwith.

6 MS. CHAITMAN: We will do that,  
7 Your Honor.

8 JUDGE MAAS: And given that, thank  
9 you for calling to my attention, Mr. Hunt, that  
10 there was no response by May 1st. But given that,  
11 is there any further need to address the Gordon  
12 case?

13 MR. HUNT: No. I think the only  
14 issue there is going to be the timing of the  
15 deposition. And, again, this is one we've been  
16 waiting on for a long time. So if we could get a  
17 deposition date sometime in June, Ms. Carlisle?

18 MS. CARLISLE: Actually, this is  
19 Ms. Carlisle. How would it -- could you -- does  
20 Ms. Gordon still in Sante Fe, New Mexico?

21 MS. CHAITMAN: Yes, she does.

22 MS. CARLISLE: I just would like to  
23 offer we will be in Sante Fe deposing her  
24 accountant on August 10th, so I would prefer a  
25 date either the day before or the day after that,



1 if possible, so we could try to have them --  
2 again, do all this in one trip instead of having  
3 to make multiple trips to Sante Fe.

4 JUDGE MAAS: Is that a deposition  
5 you plan to attend in person, Ms. Chaitman?

6 MS. CHAITMAN: No. No. We've been  
7 doing these by telephone, but I will try to  
8 arrange that, Marie.

9 MS. CARLISLE: Okay.

10 JUDGE MAAS: Then why don't I say  
11 that within one week, you'll notify the Trustee as  
12 to whether you are able to do that.

13 MS. CHAITMAN: Sure.

14 JUDGE MAAS: Anything else from the  
15 Trustee?

16 MR. HUNT: No, sir. That concludes  
17 our items for today.

18 JUDGE MAAS: Okay. Anything from  
19 Ms. Chaitman?

20 MS. CHAITMAN: No. Thank you so  
21 much, Judge.

22 JUDGE MAAS: Okay. Thank you all.  
23 Have a good day.

24 MR. HUNT: Thank you, your Honor.

25 JUDGE MAAS: Bye now.

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1 MS. CARLISLE: Thank you.

2 (Conference concluded at 8:58 a.m.)

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1 REPORTER'S CERTIFICATION

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3 I, SUSAN R. CHASTEK, Certified  
4 Court Reporter and Notary Public of the State of  
5 New Jersey, do hereby certify that the foregoing  
6 is a true and accurate transcript of the telephone  
7 conference as taken stenographically by and before  
8 me at the time, place, and on the date  
9 hereinbefore set forth.

10 I DO FURTHER CERTIFY that I am  
11 neither a relative nor employee nor attorney nor  
12 counsel of any party in this action and that I am  
13 neither a relative nor employee of such attorney  
14 or counsel, and that I am not financially  
15 interested in the event nor outcome of this  
16 action.

17

18

19

20 SUSAN R. CHASTEK, CCR, RMR  
21 Certificate No. 30XI00079100

22 Dated: May 10, 2017

23

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